

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Filed by: Trial Section Merits Panel

Mail Stop Interference

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAX REY, STEFAN GLADOW
Junior Party
(U.S. Patent Application 09/380,835),

FAXED

v.

MAY 2 - 2003

WILLIAM P. JACKSON
Senior Party,
(U.S. Patent No. 6,093,827 and
U.S. Application No. 09/525,894).

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Patent Interference No. 105,001 (MPT)

Before: SCHAFER, SPIEGEL and TIERNEY, Administrative Patent Judges.

TIERNEY, Administrative Patent Judge.

FINAL JUDGMENT

Part A. Conference call

A conference call was held on April 30, 2003 at approximately 11:00 a.m. The conference call involved:

1. Michael P. Tierney, Administrative Patent Judge ("APJ").

2. Mark D. Lorusso, counsel for Rey.
3. Jeffrey S. Ward, lead counsel for Jackson.
4. Thomas J. Kowalski, lead counsel for Stampa.

Part B. Relevant Discussion During Conference Call

Junior Party Rey requested adverse judgment as to all claims corresponding to Count 1 (claims 22-31), the sole count in interference. (Paper Nos. 1 and 21). As Rey has requested adverse judgment as to the count and corresponding claims involved in the interference, judgment on priority is awarded against Rey.

Upon consideration of the record, it is:

ORDERED that judgment on priority as to Count 1 is awarded *against* Junior Party Rey.

FURTHER ORDERED that Junior Party Rey is not entitled to a patent containing claims 22-31, which correspond to Count 1.

FURTHER ORDERED that a copy of this final decision shall be placed and given a paper number in the file of Rey U.S. Application 09/380,835 and Jackson, U.S. Patent No. 6,093,827 and Jackson Application No. 09/525,894.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to

35 U.S.C. § 135(c) and 37 C.F.R. § 1.661.

Richard E. Schafer
RICHARD E. SCHAFER
Administrative Patent Judge

Carol A. Spiegel
CAROL A. SPIEGEL
Administrative Patent Judge

Michael P. Tierney
MICHAEL P. TIERNEY
Administrative Patent Judge

BOARD OF PATENT
APPEALS
AND
INTERFERENCES

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